

Appl. No. 10/647,986
Atty. Docket No. 9349
Amdt. dated December 15, 2005
Reply to Office Action of 9/15/05
Customer No. 27752

REMARKS

Claims 1-6 have been cancelled without prejudice. Claims 7-15 remain pending in the instant Application and are presented for the Examiner's review in light of the above Amendments and the following comments.

Allowed Subject Matter

The Examiner has indicated that Claims 7-13 have been allowed. Applicants thank the Examiner for this determination.

Rejection Under 35 U.S.C. §103

Claim 1 has been rejected under 35 U.S.C. §103(a) over Zhang, et al., U.S. Patent No. 5,990,446. Claims 2-5, 14, and 15 have been rejected under 35 U.S.C. §103(a) over Zhang and further in view of Pierart, U.S. Patent No. 3,680,584. Additionally, Claim 6 has been rejected under 35 U.S.C. §103(a) over Zhang taken with Pierart and further in view of European Patent Application document No. EP0852984A1. Inasmuch as instant Claims 1-6 have been cancelled without prejudice by Amendment herein, the Examiner's rejections under 35 U.S.C. §103(a) to Applicants' Claim 1 over Zhang, Claims 2-5 over Zhang in view of Pierart, and Claim 6 over Zhang taken with Pierart further in view of the cited European Patent Application have been obviated. Applicants respectfully request withdrawal of these rejections by the Examiner under 35 U.S.C. §103(a) herewith.

With regard to the Examiner's rejection of Claims 14 and 15, Applicants respectfully traverse this rejection for the following reasons:

1. Applicants' Claim 14 claims a porous metal structure comprising, *inter alia*, a plurality of porous laminated weldable metal elements joined together with at least a weld seam having a width of less than about 0.075 inches.

2. The Zhang reference, while discussing welding processes generally, is silent, and indeed does not even remotely suggest, joining metal elements with at least one weld seam having a width of less than about 0.075 inches. Likewise, the Pierart and the cited European Patent Application are silent in this regard.

3. Furthermore, the references cited by the Examiner are silent and do not suggest providing a porous metal structure which comprises a cylinder, as required by Applicants' Claim 15.

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Absent any disclosure, suggestion, or motivation to provide a porous metal structure comprising a plurality of porous, laminated weldable metal elements joined together with at least one weld seam having a width of less than about 0.075 inches, the combination of the references cited by the Examiner cannot render any of the rejected claims obvious. *See In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988); M.P.E.P. §2143.01. Applicants therefore request reconsideration and withdrawal of the Examiner's 35 U.S.C. §103(a) rejection to Applicants' Claims 14 and 15 herewith.

Conclusion

Based on the foregoing, it is respectfully submitted that each of Applicants' remaining claims is in condition for allowance and favorable reconsideration is requested.

This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512, and no fee is believed due. However, if any additional charges are due, the Examiner is hereby authorized to deduct such charge from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Respectfully submitted,

HOLTE, ET AL.

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